

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PATRIOT CONTRACT SERVICES, LLC,

No. C-04-5428 MJJ

Plaintiff,

**ORDER DENYING TEMPORARY
RESTRAINING ORDER**

v.

UNITED STATES,

Defendant.

Before the Court is Plaintiff Patriot Contract Services' ("Plaintiff") motion for a temporary restraining order ("TRO"). Plaintiff seeks to enjoin the Government from commencing the transition of the operation and maintenance of two of the LMSRs at issue here from Plaintiff to Intervenor-Defendant AMSEA. In response, Defendant United States has filed the Declaration of David Townsend, Associate Counsel with the United States Military Sealift Command ("MSC") in opposition to Plaintiff's motion. Having read and considered the papers, the Court **DENIES** Plaintiff's motion for a TRO for the following reasons.

Oral argument on Plaintiff's motion for preliminary injunction has long been scheduled for Tuesday, April 26, 2005, at 9:30 am. The very same issues raised by the instant TRO motion are to be vetted at that time. Plaintiff contends that a TRO is warranted here because the Government altered the scheduled date on which the transition of two LMSRs from Patriot to AMSEA was to begin, from May 6, 2005, to Monday, April 25, 2005, the day before the preliminary injunction hearing. Plaintiff claims that this suggests

1 that the Government is attempting to effectuate the AMSEA ship operation contract before the Court has
2 had an opportunity to rule on its validity. The Court disagrees and finds that because the transition process
3 will have only just begun when the Court is scheduled to hear Plaintiff preliminary injunction motion, Plaintiff
4 will not suffer irreparable harm if a TRO does not issue in the meantime.¹ Plaintiff also raises the issue that
5 AMSEA has improperly begun poaching Plaintiff's personnel to staff the LMSRs for its contract. These
6 issues will be considered, as planned, on Tuesday, when the Court hears Plaintiff's preliminary injunction
7 motion. Plaintiff's TRO motion is **DENIED**.

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9 **IT IS SO ORDERED.**

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11 Dated: April 22, 2005

/s/
MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE

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¹ The Court also notes that Plaintiff has had notice of this scheduling change since March 31, 2005, but failed to bring it to the Court's attention until the day before the transition was scheduled to begin.